



# House of Representatives

## **File No. 910**

General Assembly

January Session, 2007

**(Reprint of File No. 252)**

Substitute House Bill No. 7025  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
June 1, 2007

### **AN ACT CONCERNING CIVIL PREPAREDNESS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 28-1b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) There is established a state-wide Emergency Management and  
4 Homeland Security Coordinating Council to advise the Department of  
5 Public Safety, the Office of Emergency Management and, on and after  
6 January 1, 2005, the Department of Emergency Management and  
7 Homeland Security with respect to: (1) Application and distribution of  
8 federal or state funds for emergency management and homeland  
9 security; (2) planning, design, implementation and coordination of  
10 state-wide emergency response systems; (3) assessing the state's  
11 overall emergency management and homeland security preparedness,  
12 policies and communications; (4) the recommendation of strategies to  
13 improve emergency response and incident management including, but  
14 not limited to, training and exercises, volunteer management,  
15 communications and use of technology, intelligence gathering,  
16 compilation and dissemination, the development, coordination and  
17 implementation of state and federally required emergency response

18 plans, and the assessment of the state's use of regional management  
19 structures; and (5) strengthening consultation, planning, cooperation  
20 and communication among federal, state and local governments, the  
21 Connecticut National Guard, police, fire, emergency medical and other  
22 first responders, emergency managers, public health officials, private  
23 industry and community organizations. The council shall advise the  
24 Governor and the General Assembly on its findings and efforts to  
25 secure the state from all disasters and emergencies and to enhance the  
26 protection of the citizens of the state.

27 (b) The council shall consist of: (1) The Commissioner of Emergency  
28 Management and Homeland Security; the Secretary of the Office of  
29 Policy and Management; the Commissioner of Public Safety; the  
30 Commissioner of Public Health; the Commissioner of Mental Health  
31 and Addiction Services; the Commissioner of Environmental  
32 Protection; the Commissioner of Public Works; the Commissioner of  
33 Transportation; the Adjutant General of the Military Department; the  
34 chairperson of the Department of Public Utility Control; the Chief  
35 Information Officer, as defined in section 4d-1; the State Fire  
36 Administrator; or their designees; and (2) the following members  
37 appointed as follows not later than July 1, 2004: Two municipal police  
38 chiefs, one appointed by the speaker of the House of Representatives  
39 and one appointed by the Governor; two municipal fire chiefs, one  
40 appointed by the president pro tempore of the Senate and one  
41 appointed by the Governor; one volunteer fire chief appointed by the  
42 minority leader of the Senate; one representative of the Connecticut  
43 Conference of Municipalities appointed by the majority leader of the  
44 Senate; one representative of the Council of Small Towns appointed by  
45 the minority leader of the House of Representatives; one local or  
46 regional civil preparedness director appointed by the speaker of the  
47 House of Representatives; one local or regional health director  
48 appointed by the president pro tempore of the Senate; one emergency  
49 medical services professional appointed by the Governor; one  
50 nonprofit hospital administrator appointed by the majority leader of  
51 the House of Representatives; and one manager or coordinator of 9-1-1

52 public safety answering points appointed by the Governor. Each  
53 member appointed under this subdivision shall serve for a term of  
54 three years from July 1, 2004, or until a qualified successor has been  
55 appointed to replace such member. No member appointed under this  
56 subdivision shall receive any compensation for such member's service  
57 on the council.

58 (c) The Secretary of the Office of Policy and Management, or the  
59 secretary's designee who shall be an employee of said office, shall  
60 serve as chairperson of the council until January 1, 2005. On and after  
61 January 1, 2005, the Commissioner of Emergency Management and  
62 Homeland Security shall serve as chairperson.

63 (d) The council shall hold its first meeting not later than August 1,  
64 2004, and shall meet at least [monthly] quarterly thereafter.

65 (e) The chairperson of the council may request the participation of  
66 other representatives of federal, state, regional and local agencies as  
67 nonvoting members for purposes of consultation, planning and  
68 communication.

69 (f) Any vacancy on the council shall be filled for the unexpired  
70 portion of the term by the appointing authority having the power to  
71 make the original appointment. Any vacancy occurring on the council  
72 shall be filled within thirty days.

73 (g) The council shall submit a report to the General Assembly not  
74 later than January 1, 2005, and annually thereafter.

75 Sec. 2. Subsection (e) of section 28-6 of the general statutes is  
76 repealed and the following is substituted in lieu thereof (*Effective*  
77 *October 1, 2007*):

78 (e) No personnel of mobile support units of this state shall be  
79 ordered by the Governor to operate in any other state unless the laws  
80 of such other state contain provisions substantially similar to those of  
81 this section or unless such state is a signatory to the Emergency

82    Management Assistance Compact established in section 28-23a.

83        Sec. 3. Subsection (a) of section 28-7 of the general statutes is  
84    repealed and the following is substituted in lieu thereof (*Effective*  
85    *October 1, 2007*):

86        (a) Each town or city of the state shall establish a local organization  
87    for civil preparedness in accordance with the state civil preparedness  
88    plan and program, provided any two or more towns or cities may,  
89    with the approval of the commissioner, establish a joint organization  
90    for civil preparedness. The authority of such local or joint organization  
91    for civil preparedness shall not supersede that of any regularly  
92    organized police or fire department. [No town or city of the state shall  
93    be eligible for any state or federal benefits under this chapter until such  
94    town or city has submitted to the commissioner an emergency plan of  
95    operations approved by the local director of civil preparedness and the  
96    local chief executive which is subsequently approved by the  
97    commissioner.] In order to be eligible for any state or federal benefits  
98    under this chapter, not later than January 1, 2008, and annually  
99    thereafter, each town or city of the state shall have a current  
100    emergency plan of operations that has been approved by the  
101    commissioner. The plan shall be submitted to the commissioner after it  
102    has been approved by the local director of civil preparedness and the  
103    local chief executive. Such plan may be submitted with a notice stating  
104    that the plan remains unchanged from the previous year's version.

105        Sec. 4. Section 28-12 of the general statutes is repealed and the  
106    following is substituted in lieu thereof (*Effective October 1, 2007*):

107        No person shall be employed or associated in any capacity in any  
108    civil preparedness organization established under this chapter who  
109    advocates a change by force or violence in the constitutional form of  
110    the government of the United States or of this state or the overthrow of  
111    any government in the United States by force or violence, or who has  
112    been convicted of or is under indictment or information charging any  
113    subversive act against the United States. Each person who is appointed

114 to serve in an organization for civil preparedness shall, before entering  
115 upon his duties, and annually thereafter, take an oath [verbally] orally  
116 before a local civil preparedness officer or officers empowered by the  
117 [director] commissioner to enlist volunteers, which oath shall be  
118 substantially as follows: "I, ..., do solemnly swear (or affirm) that I will  
119 support and defend the Constitution of the United States and the  
120 Constitution of the state of Connecticut, against all enemies, foreign  
121 and domestic; that I will bear true faith and allegiance to the same; that  
122 I take this obligation freely, without any mental reservation or purpose  
123 of evasion; and that I will well and faithfully discharge the duties upon  
124 which I am about to enter." Each local civil preparedness officer shall  
125 provide to the department a roster of sworn volunteer civil  
126 preparedness force members on or before the fifteenth of August each  
127 year.

128 Sec. 5. Subsection (a) of section 28-7 of the general statutes, as  
129 amended by section 2 of public act 07-11, is repealed and the following  
130 is substituted in lieu thereof (*Effective October 1, 2007*):

131 (a) Each town or city of the state shall establish a local organization  
132 for civil preparedness in accordance with the state civil preparedness  
133 plan and program, provided any two or more towns or cities may,  
134 with the approval of the commissioner, establish a joint organization  
135 for civil preparedness. The authority of such local or joint organization  
136 for civil preparedness shall not supersede that of any regularly  
137 organized police or fire department. No town or city of the state shall  
138 be eligible for any state or federal benefits under this chapter until such  
139 town or city has submitted to the commissioner an emergency plan of  
140 operations approved by the local director of civil preparedness and the  
141 local chief executive which is subsequently approved by the  
142 commissioner. Such emergency plan of operations shall not be  
143 approved by the commissioner unless the commissioner determines  
144 that the plan proposes strategies that address all the activities and  
145 measures of civil preparedness identified in subdivision (4) of section  
146 28-1. Each town or city of the state shall consider whether to provide  
147 for the nonmilitary evacuation of livestock and horses in such plan.

|   |  |  |
|---|--|--|
| This act shall take effect as follows and shall amend the following sections: |  |  |
|---|--|--|

|           |                        |         |
|-----------|------------------------|---------|
| Section 1 | <i>October 1, 2007</i> | 28-1b   |
| Sec. 2    | <i>October 1, 2007</i> | 28-6(e) |
| Sec. 3    | <i>October 1, 2007</i> | 28-7(a) |
| Sec. 4    | <i>October 1, 2007</i> | 28-12   |
| Sec. 5    | <i>October 1, 2007</i> | 28-7(a) |

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

| <b>Municipalities</b>  | <b>Effect</b>              | <b>FY 08 \$</b>      | <b>FY 09 \$</b>      |
|------------------------|----------------------------|----------------------|----------------------|
| Various Municipalities | STATE<br>MANDATE<br>- Cost | Potential<br>Minimal | Potential<br>Minimal |

**Explanation**

The bill requires: (1) municipalities to submit annually, and keep current, emergency plans of operation, including whether to provide the nonmilitary evacuation of livestock and horses, (2) local civil preparedness organizations to take oaths annually, and (3) local civil preparedness officers to provide the Department of Emergency Management and Homeland Security (DEMHS) with a roster of the sworn volunteer civil preparedness force. The annual requirements on municipalities could result in a minimal cost associated with additional administrative costs and potential overtime.

The bill makes other changes that are not anticipated to result in a fiscal impact to municipalities or to DEMHS.

House "A" expanded emergency plans of operation to include whether to provide the nonmilitary evacuation of livestock and horses, and is not anticipated to result in a fiscal impact.

**The Out Years**

The annualized ongoing fiscal impact identified above would

continue into the future subject to inflation.



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**OLR Bill Analysis****sHB 7025 (as amended by House "A")\******AN ACT CONCERNING CIVIL PREPAREDNESS.*****SUMMARY:**

Under current law, the governor may order civil preparedness personnel to operate in another state only if its laws on the use of such personnel are substantially similar to Connecticut's. The bill allows the governor to issue the orders if the state is a member of the Emergency Management Assistance Compact (EMAC).

The bill requires that towns consider whether to provide for the nonmilitary evacuation of livestock and horses in their emergency plans of operation. By January 1 and annually thereafter, it requires towns to submit current plans, approved by the local chief executive officer and civil preparedness director, to the Department of Emergency Management and Homeland Security (DEMHS) commissioner for approval. If a town makes no plan changes from the previous year, it may include a notice to that effect. Current law requires towns to submit plans, following the same procedure, but it does not require them to be current or submitted annually. Under current law and the bill, towns that fail to follow the procedures are not eligible for state and federal emergency and homeland security funds.

The bill requires people serving in local civil preparedness organizations to take oaths annually. Under current law, they take oaths only upon entering office. The bill requires that anyone, beside the local civil preparedness director, administering the oath, be empowered by the DEMHS commissioner instead of the director.

The bill requires each local civil preparedness officer to provide DEMHS with a roster of sworn volunteer civil preparedness force members by August 15 each year.

The bill reduces the frequency of the Emergency Management and Homeland Security Coordinating Council meetings from monthly to quarterly.

\*House Amendment "A" allows towns to consider whether to include livestock evacuation in their emergency plans.

EFFECTIVE DATE: October 1, 2007

## **BACKGROUND**

### ***Compact***

EMAC provides a mechanism for party states to (1) help each other manage emergencies and disasters declared by the governor of any party state and (2) participate in emergency-related exercises, testing, or other training or activities when no emergency exists.

## **COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute Change of Reference  
Yea 20 Nay 0 (03/01/2007)

Planning and Development Committee

Joint Favorable  
Yea 19 Nay 0 (03/14/2007)

Appropriations Committee

Joint Favorable  
Yea 47 Nay 1 (04/19/2007)

Judiciary Committee

Joint Favorable

Yea     32     Nay   0     (04/30/2007)